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FREEDOM IN THE WORLD

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Philippines

Philippines

Freedom in the World 2014

2014

OVERVIEW:

Two sets of elections—congressional, provincial, and municipal polls in May and barangay (local district) council voting in October—took place in relatively peaceful conditions in 2013, though isolated incidents of election-related violence were reported. The congressional midterm elections gave President Benigno Aquino a rare majority in the Senate. The results also perpetuated the country's political dynasties, as former president Gloria Macapagal Arroyo, under hospital arrest for her alleged involvement in several graft scandals, retained her seat in the lower house, and former president Joseph Estrada, who was ousted for corruption in 2001, won the Manila mayoral race.

Corruption and state plunder, long-standing concerns in the Philippines, remained in the spotlight in 2013 as new instances of malfeasance were exposed. The state audit agency confirmed the organized abuse of Congress's Priority Development Assistance Funds (PDAF), which had originally been revealed by a local newspaper. Over 38 lawmakers and other officials were implicated for their alleged role for, among other things, creating bogus nongovernmental organizations (NGOs) to siphon off funds for fabricated development projects over several years, robbing the state of over \$23 million. Investigation was ongoing at year's end. In November, the Supreme Court declared the fund unconstitutional and halted all usage of PDAF funds, including those remaining in the budget, as well as the president's discretionary "social" funds.

Negotiations continued between the Moro Islamic Liberation Front (MILF) and the government on a proposed peace deal that would lead to the disarming of the MILF and its entry into politics. Splinter elements of the rival Moro National Liberation Front (MNLF), which concluded a separate peace agreement with the government in 1996, argued that the terms of the MILF deal abrogated their own pact. The rogue militants declared independence in Zamboanga City and engaged in a 20-day confrontation with the Philippine army in September, resulting in over 200 deaths and the displacement of tens of thousands of people. The leader of the attack was at large at year's end. Separately, on December 8, the government and MILF signed an

2014 SCORES

STATUS

Partly Free

FREEDOM RATING
(1 = BEST, 7 = WORST)

3.0

CIVIL LIBERTIES
(1 = BEST, 7 = WORST)

3

POLITICAL RIGHTS
(1 = BEST, 7 = WORST)

3

agreement over power sharing arrangements in a new self-governed region, Bangsamoro, in the region of Mindanao.

A long-running dispute with Malaysia over the region of Sabah in northern Borneo erupted into violence in February, when about 200 fighters loyal to a claimant to the Philippines' historical Sultanate of Sulu invaded the territory. The attack was not sanctioned by the Philippine government. The Malaysian army quelled the incursion, and both sides suffered casualties. The self-proclaimed sultan died in October of natural causes. Separately, the Philippines' relations with Taiwan suffered after the Philippine coast guard killed a Taiwanese fisherman in May.

On November 8, category 5 super-typhoon Haiyan ("Yolanda") hit the Philippines. One of the strongest hurricanes on record it resulted in over 6000 deaths, 14 million affected, 4 million displaced, and approximately \$8.5 billion in damages.

POLITICAL RIGHTS AND CIVIL LIBERTIES:

Political Rights: 26 / 40 [Key]

A. Electoral Process: 9 / 12

Elections in the Philippines, while open and competitive, are typically marred by fraud, intimidation, and political violence, including assassinations by rival candidates, though conditions have improved in recent years. The country has a presidential system of government, with the directly elected president limited to a single six-year term. The national legislature, Congress, is bicameral. The 24 members of the Senate are elected on a nationwide ballot and serve six-year terms, with half of the seats up for election every three years. The 291 members of the House of Representatives serve three-year terms, with 233 elected in single-member constituencies and the remainder elected by party list. In April 2013, the Supreme Court ruled that the party-list system, traditionally meant to represent marginalized or underrepresented groups, could also be open to other groups, including national political parties, provided that they do not stand in the single-member constituency contests. Critics of the decision warned that it would allow the wealthy and powerful to gain more congressional seats at the expense of marginalized groups. Evidence suggests that a number of party-list groups gained seats in 2013 not from national sectoral votes as intended but by substantial support from single geographic regions. In October, the Philippines held village-level, "Barangay" elections, which were largely peaceful.

The Commission on Elections (Comelec) is appointed by the president, and with the president's permission it has the authority to unseat military, police, and government officials. Comelec was widely discredited by a 2005 audiotape scandal regarding cheating in the 2004 elections, but during the 2010 balloting and again in 2013, the commission was deemed to have improved its performance, due in part to the introduction in 2010 of optical-scan voting machines. Detainees were permitted to vote for the first time in 2010, and registration

requirements for the approximately 900,000 overseas voters were eased in 2013. Another significant improvement dating to 2010 was the reduction in political violence, aided by restrictions on firearms for 30 days before elections and 15 days after. Appointments or promotions in government offices were also banned in the period surrounding elections. Election-related violence is typically tied to local rivalries and clan competition. In 2013, there were approximately 80 election-related deaths, a reduction from the 130 reported in 2010. Other persistent problems included media bias, which tended to favor wealthier candidates, and vote buying.

As the 2013 elections approached, people with election-day duties, including teachers who served as poll workers, raised concerns about their potential disenfranchisement. In 2010, approximately 300,000 polling-station workers were unable to vote. In response, in February Comelec passed new regulations on absentee voting, which enabled government workers, journalists, police officers, and military personnel who are assigned to work outside of their voting district or who must work on election day to vote for national offices in advance.

At the congressional level, a coalition led by Aquino's Liberal Party (LP) ultimately took 9 of the 12 contested Senate seats, giving the president's allies a total of 13 seats in the upper house (though his own party has only 4 seats). The remainder went to a coalition led by Estrada, United Nationalist Alliance (UNA). The LP also captured 110 seats in the lower house, followed by three allied parties with a combined 44 seats, giving the administration a clear majority in that chamber as well.

B. Political Pluralism and Participation: 10 / 16

Political parties typically have weak ideological identities. Their legislative coalitions are exceptionally fluid, and members of Congress often change party affiliation.

The persistence of political dynasties in politics and society is an ongoing concern. Distribution of power is strongly affected by kinship networks, as is the pattern of leadership. For example, Imelda Marcos, the wife of former authoritarian president Ferdinand Marcos, remains a member of Congress; her daughter is a governor, and her son is a senator. Former president Arroyo, herself the daughter of a president, also sits in Congress, while former president Estrada is now the mayor of Manila, and his son is a senator. Current president Aquino, the son of a former president, heads his own political dynasty. Each of these clans has a strong regional power base in the country, and draws on the support of other regional political families. The nature of election-related funding contributes to the concentration of power, with most candidates receiving support from a small number of donors. Almost half of the funds for the 2013 Senate campaigns came from under 4 percent (90) of the total donors.

The Roman Catholic Church in the Philippines has historically played a significant role in politics, especially related to issues such as corruption and family matters. In 2013, several dioceses publicly opposed the reelection of specific senators and House members who voted in support of the 2012 Responsible Parenthood and Reproductive Health Act (RH Law), which provided for

free contraceptives at government health clinics. In the past, church leaders had merely described the attributes of a worthy candidate.

C. Functioning of Government: 7 / 12

President Aquino came to power in 2010 on a reform agenda and has made some progress on open and democratic governance. Since 2010, local governments have been required to post procurement and budget data on their websites, and beginning in 2012, the national government began participatory budgeting at various levels.

However, corruption and cronyism are rife in business and government. A few dozen leading families continue to hold an outsized share of land, corporate wealth, and political power. Local bosses often control their respective areas, limiting accountability and encouraging abuses of power.

High-level corruption also abounds, as indicated in the Commission on Audit's August 2013 report on PDAF abuses by members of Congress. All lawmakers receive annual budgets from the PDAF account, which they can direct to local development projects. While they had long been suspected of siphoning off funds, the scale and organized nature of the corruption was not previously known. Criminal cases against the 38 lawmakers and others implicated in the wake of the audit report were pending at year's end. In November, the Supreme Court found the PDAF to be unconstitutional, and halted the use of the funds as well as curbed the use of other funds such as the president's "special" fund. This is expected to change the power dynamic, giving the Executive greater control, as Congress members can no longer depend on special funds to secure support from their regions. Separately, in October, former president Arroyo was charged along with former cabinet officials and some 20 others for allegedly diverting funds from a discretionary presidential fund intended for victims of storms in 2009. Arroyo has been under hospital arrest since October 2012 based on charges related to the misuse of state lottery funds. She is implicated in several other corruption cases stemming from her tenure as president. Also in 2013, the Supreme Court blocked what was seen as a lenient plea bargain deal in a long-running case against former major general Carlos Garcia, who was accused along with his family of plundering nearly \$7 million in state assets.

A culture of impunity, stemming in part from case backlogs in the judicial system, hampers the fight against corruption. The new ombudsman, installed in 2012, has focused on major cases with senior government officials and those involving large sums of money. However, cases take an average of six to seven years to be resolved in the Sandiganbayan anticorruption court. The country's official anticorruption agencies, the Office of the Ombudsman and the Presidential Anti-Graft Commission (PAGC), have mixed records. Many observers maintain that the former was compromised under the Arroyo administration, as convictions declined, while the PAGC lacks enforcement capabilities. The Philippines was ranked 94 out of 177 countries surveyed in Transparency International's 2013 Corruption Perceptions Index.

Civil Liberties: 37 / 60

D. Freedom of Expression and Belief: 14 / 16

The constitution provides for freedoms of expression and the press. The private media are vibrant and outspoken, although content often consists more of innuendo and sensationalism than substantive investigative reporting. The country's many state-owned television and radio stations cover controversial topics and are willing to criticize the government, but they too lack strict journalistic ethics. While the censorship board has broad powers to edit or ban content, government censorship is generally not a serious problem in practice. The internet is widely available and uncensored.

Potential legal obstacles to press freedom include Executive Order 608, which established a National Security Clearance System to protect classified information, and the Human Security Act, which allows journalists to be wiretapped based on mere suspicion of involvement in terrorism. Libel is a criminal offense, and libel cases have been used frequently to quiet criticism of public officials. In September 2013, after a nine-year trial, Stella Estremera, the editor in chief of a local newspaper, was convicted along with her publisher of criminal libel for printing the name of a suspect who had already been mentioned in a publicly accessible police report. They were ordered to pay about \$4,500 in fines and damages. Despite persistent lobbying by press freedom groups, Congress has yet to pass a draft Freedom of Information Act, which remained stalled in the lower house at the end of 2013. However, the controversial 2012 Cybercrime Prevention Act remains suspended pending a review of its constitutionality. In May 2013, the government said it would remove provisions that extended criminal libel rules to online content, though the law would still allow authorities to block websites and monitor traffic data without a court order, and would remove provisions that extended libel rules to those who copy or reprint libelous content (i.e., not the original author).

The Philippines remains one of the most dangerous places in the world for journalists to work, and impunity for crimes against them is the norm. The trial for alleged perpetrators of the 2009 Maguindanao massacre, in which 58 civilians—including 32 journalists—were killed to stop the registration of a local political candidate, continued in 2013. Although it was transferred to Manila to prevent local interference and has moved forward with unusual speed, the trial has featured a number of problems, including witness intimidation, flawed forensic investigations, and the fact that only 104 of the 196 suspects have been arraigned, and only 108 arrested. The Committee to Protect Journalists (CPJ) reported nine journalists killed in 2013, with a connection to the victims' reporting confirmed in three of the cases. Three journalists were killed in Mindanao in December alone. CPJ ranked the Philippines as the third-worst country in the world on its 2013 impunity index, with dozens of unresolved murder cases over the past decade.

Freedom of religion is guaranteed under the constitution and generally respected in practice. While church and state are separate, the Roman Catholic Church exerts political influence. The population is mostly Christian,

with a Catholic majority. The Muslim minority is concentrated on the southern island of Mindanao and, according to the most recent census, represents about 5 percent of the total population. Perceptions of relative socioeconomic deprivation and political disenfranchisement, and resentment toward Christian settlement in traditionally Muslim areas, have played a central role in Muslim separatist movements. An obscure article of the penal code criminalizes acts that “offend religious feelings.” The law was used for the first time in January 2013 to convict Carlos Celdran for protesting against the Catholic Church’s opposition to the draft RH Law during a religious ceremony in 2010. While he faced a sentence of up to 13 months in jail, he remained free on bail pending appeal.

Academic freedom is generally respected in the Philippines. Professors and other teachers can lecture and publish freely.

E. Associational and Organizational Rights: 8 / 12

Citizen activism is robust, and demonstrations are common. However, permits are required for rallies, and antigovernment protests are often dispersed. The Philippines has many active human rights, social welfare, and other nongovernmental groups, as well as lawyers’ and business associations. Various labor rights and farmers’ organizations that are dedicated to ending extrajudicial killings and helping families of the disappeared face serious threats, and their offices are occasionally raided.

Trade unions are independent and may align with international groups. However, in order to register, a union must represent at least 20 percent of a given bargaining unit. Moreover, large firms are stepping up the use of contract workers, who are prohibited from joining unions. Only about 5 percent of the labor force is unionized. Collective bargaining is common, and strikes may be called, though unions must provide notice and obtain majority approval from their members. Violence against labor leaders remains a problem and has been part of the broader trend of extrajudicial killings over the last decade.

F. Rule of Law: 5 / 16

Judicial independence has traditionally been strong, particularly with respect to the Supreme Court. However, the efforts of the judiciary are stymied by inefficiency, low pay, intimidation, corruption, and high vacancy rates, which contribute to excessive delays and a backlog of more than 600,000 cases. In total, almost 24 percent of positions remain unfilled, according to the Supreme Court. The judiciary receives less than 1 percent of the national budget, and judges and lawyers often depend on local power holders for basic resources and salaries, leading to compromised verdicts. At least 12 judges have been killed since 1999, but there have been no convictions for the attacks.

Arbitrary detention, disappearances, kidnappings, and abuse of suspects continue to be reported. The police and military have been implicated in corruption, extortion, the torture of detainees, extrajudicial killings, and

involvement in local rackets. In September 2013, a group of 13 police officers were charged with ambushing and murdering 13 people at a checkpoint in Atimonan in January as part of an illegal gambling turf war. In December, indigenous rights activist Rolan Langala was killed, allegedly by members of the local council for his work on land rights with regard to an oil palm plantation. The lack of effective witness protection has been a key obstacle to investigations against members of the security forces. Especially problematic is the fact that the Department of Justice oversees both the witness-protection program and the entity that serves as counsel to the military, leading to conflict of interest. Similarly, the Philippine National Police, tasked with investigating murders of journalists, falls under the jurisdiction of the military. Convictions for extrajudicial killings are extremely rare, and no military personnel were found guilty during Arroyo's presidency. At the end of 2012, Aquino signed a new law criminalizing enforced disappearances.

Firearms are common and poorly regulated, with estimates that 60 percent of guns are registered with fictitious data. In June the president signed a law that provides comprehensive rules for the possession, manufacture, and sale of guns and ammunition. In addition, a gun ban was in effect during both the national and Barangay elections in 2013, which is believed to have reduced the instance of electoral violence. Convictions for extrajudicial killings by non-state actors, often by so-called "death squads," are extremely rare. The Commission on Human Rights launched independent investigations into death squads in 2009 and noted that many witnesses and advocates fear for their safety if they testify, which impedes efforts to hold perpetrators accountable and to deter future cases. Kidnappings for ransom remains common in the south, perpetrated in large part by the militant group Abu Sayyaf. In May 2013, at least seven marines were killed trying to rescue six foreign and Filipino hostages from Abu Sayyaf. In March, an Australian who had been held for 15 months was released.

The Muslim separatist conflict has caused severe hardship for many of the 15 million inhabitants of Mindanao and nearby islands, and has resulted in more than 120,000 deaths since it erupted in 1972. Both government and rebel forces have committed summary killings and other human rights abuses. Several peace deals have fallen through as a result of the failure to effectively disarm, demobilize, and reintegrate former rebels. The MNLF and the government signed a peace deal in 1996, but the government has not implemented core provisions or has backpedaled on others. The MILF, which split from the MNLF in 1978, continued to fight after the 1996 deal. It reached a framework peace agreement with the government in October 2012, and has since been engaged in negotiations on a final deal. The agreement is perceived to supersede the original MNLF pact and would redistribute power in the south, creating a new autonomous entity, Bangsamoro, to replace the current Autonomous Region in Muslim Mindanao (ARMM). In response, Nur Misuari, the founder of the MNLF and former governor of the ARMM, led an MNLF splinter group that raised an independence flag in Zamboanga City on September 8, 2013. The group

engaged in a violent standoff with the army that lasted for 20 days and resulted in over 200 deaths, the destruction of 10,000 homes, and the displacement of 60,000 people. Misuari and his fighters were charged with rebellion, but he remained at large at year's end. Meanwhile, the MILF negotiations continued with a signed agreement on December 8 on the power-sharing arrangement in Bangsamoro region. The various agreements provide the MILF with authority over the Bangsamoro region by 2016, including control over the region's taxes (national taxes will still be controlled by Manila), 75 percent of mining revenues, and 50 percent of oil and gas revenues. It will be led by an elected assembly of 50 representatives who will elect a chief minister to run the regional government. The agreement also provides the right to Bangsamoro government to develop customary laws, including sharia courts. The MILF would decommission its military units and reform as a political group.

In the north, the government has been engaged in peace negotiations with the New People's Army (NPA), the militarized wing of the Communist Party. A possible peace deal made progress in 2011, but was stalled in 2012 and 2013, and deadly clashes between the NPA and the Philippine army resumed.

National law does not prohibit discrimination based on sexual orientation or gender identity, though some local protections are in place. LGBT (lesbian, gay, bisexual, and transgender) people reportedly face bias in employment, education, and other services. Indigenous rights are generally upheld, but indigenous activists regularly come into conflict over land disputes and local development projects. Rolan Langala (abovementioned) and Dexter Condez were both publicly murdered in 2013, allegedly related to land disputes. Cases against the perpetrators were still under investigation at year's end. The government's longstanding effort to end dispute over the Muslim southern region of Mindanao bore fruit this year with large advances in a final comprehensive peace agreement.

G. Personal Autonomy and Individual Rights: 10 / 16

Outside of conflict zones, citizens enjoy freedom of travel and choice of residence. Private business activity is subject to the support of local power brokers in a complex patronage system that extends through the country's social, political, and economic spheres.

Women have made many social and economic gains in recent years. The UN Development Programme notes that the Philippines is one of the few countries in Asia to have significantly closed the gender gap in the areas of health and education. Although more women than men now enter high schools and universities, women face some discrimination in private-sector employment, and those in Mindanao enjoy considerably fewer rights in practice. Divorce is illegal in the Philippines, though annulments are allowed under specified circumstances. A 2009 law known informally as the Magna Carta of Women included provisions calling for women to fill half of third-level government positions, requiring that each barangay has a "violence against women desk," and recognizing women's rights as human rights. Despite these measures, enforcement has been uneven. Violence

against women continues to be a problem. Results from the National Statistics Office show that the number of cases of violence against women reported in 2012 was the highest since 1997, representing a 23 percent increase over the 2011 figure.

The landmark RH Law, signed in late 2012, provides state funding for contraceptives in public clinics, reproductive health care, and sex education in schools. Among other benefits, the law was expected to help reduce the growing transmission rate of HIV/AIDS. However, implementation was suspended in early 2013 pending a Supreme Court review of its constitutionality, and a ruling had yet to be issued at year's end.

The Philippines is a source country for human trafficking, which is a growing problem, though the president signed a stricter law on human trafficking in February 2013. The country's various insurgent groups have been accused of using child soldiers. In a bid to end economic exploitation of household workers, Aquino in January signed a Domestic Workers Act—under debate for 16 years—that entitles such workers to minimum wages, paid leave, and insurance, among other protections.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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